[50109/00203]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)

Bernard J. Eastlund et al.

Serial No.

10/058,666

Filed

January 28, 2002

For

High Intensity Discharge Lamp With Single Crystal

Sapphire Envelope

Group Art Unit

2877

Examiner

Andrew Lee

Via Facsimile 703-746-4806

Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

Certificate of Facsimile Transmission Under 37 CFR 1.8

I hereby certify that his paper is being facsimile 703-746-4806 transmitted to the Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202 on the date shown below:

Bylly FKL

Date: June 7, Wo

TRANSMITTAL

SIR:

Transmitted herewith by facsimile is a Terminal Disclaimer for filing in the above-identified application. Please charge the deposit account of Fay Kaplun & Marcin, LLP, deposit account no. 50-1492 in the amount of \$55.00 (Small Entity) for the Terminal Disclaimer fee.

Respectfully submitted,

Dated: Tune 7, 2002

Oleg F Kaplun, Reg. No. 45,559

Fay Kaplun & Marcin, LLP 150 Broadway, Suite 702 New York, NY 10038 (212) 619-6000 (tel)

(212) 208-6819 (fax)

LAW OFFICES OF

FAY KAPLUN & MARCIN, LLP

INTELLECTUAL PROPERTY LAW

150 BROADWAY, SUITE 702 NEW YORK, NEW YORK 10098 PHONE: (212) 619-6000 FAX: (212) 208-6819 WWW.FKMIPLAW.COM

FACSIMILE COVER SHEET

FAX NO

703-746-4806

TO

Examiner Andrew Lee

FROM

Oleg F. Kaplun, Esq.

DATE

June 7, 2002

SUBJECT

U.S. Patent Application for High Intensity Discharge

Lamp with Single Crystal Sapphire Envelope Serial No. 10/058,666 filed January 28, 2002

Our Ref.: 50109/00203

NUMBER OF PAGES INCLUDING COVER: 3

MESSAGE:

Dear Examiner Lee:

Attached is a Transmittal along with a Terminal Disclaimer being transmitted herewith by facsimile for in the above-identified patent application.

Please confirm receipt by return facsimile or by email to me at Okaplun@fkmiplaw.com. If you have any questions, please do not hesitate to contact me at 212-619-6000 ext. 203.

Sincerely,

OFK

IF ANY PAGES WERE NOT RECEIVED OR ARE ILLEGIBLE, PLEASE CALL (212) 619-6000 AS SOON AS POSSIBLE

The information contained in this facsimals message is attorney privileged and confidential information intended only for the use of the individual or entity named above.

If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are bereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service. We will reimburse any costs you mean notifying us and returning the message to us.

58hppe 6-11-02

1 Schaines

[50109/00203]

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

In re Application of: Application No.: Bernard J. Eastlund, et al.

Applica Filed: 10/058,666 January 28, 2002

For:

HIGH INTENSITY DISCHARGE LAMP WITH SINGLE CRYSTAL SAPPHIRE

ENVELOPE

The owner, GEM Lighting LLC, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application of U.S. Patent Application No. 09/241,011 file February 1, 1999, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

June 7,2002

Date

Oleg F. Kaplun, Reg. No. 45,559

Attorney of Record

Typed or printed name and title if applicable

[X] Terminal disclaimer fee under 37 CFR 1.20(d) included.

[X] unchanged

[] changed (if changed, an explanation should be supplied).